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From: Rich Holland [mailto:rich@wonews.com]

Sent: Wednesday, March 16, 2005 10:55 AM

To: MLPAComments@resources.ca.gov

Subject: MLPAComments: comments on revised framework

Pasted below is a perspective I wrote for Western Outdoor News re: the Revised Draft Master Plan Framework. Please pass this along to the BRTF.

Thanks,

Rich Holland

Revised document plans for massive fishing closures along California's coast and islands

BY RICH HOLLAND
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SACRAMENTO < The staff of the Blue Ribbon Task Force (BRTF) has posted the latest version of the Master Plan Framework on the Marine Life Protection Act (MLPA) Web site and this latest document continues to pave the way for massive closures of both recreational and commercial fishing.

The revised plan starts with a discussion of the "Early Years" (p. 3) of ocean management in California.

This discussion illustrates the intent of the legislature to protect recreation anglers both with legislation and within the constitution, while showing the only result was the promotion of commercial fishing and strains on the fishery that resulted in the sardine closure, for one.

Worse, this document again pushes aside the benefits to the state provided by recreational anglers and focuses on commercial fishing impacts.

The new Master Plan again attacks the state's constitutional protections of fishing from public lands. While the constitutional "right to fish" is subject to regulation, such as seasons, that does not mean permanent closures. Even a "conditional right" cannot be totally disregarded in order to provide natural aquaria and dive havens. The question has to be, can biodiversity and habitat goals be reached and recreational fishing still continue?

Is the MLPA about fisheries management or not? The BRTF has to make up their mind. Page 9, paragraph 3 of the section "Recent Developments" reads:

"The Marine Life Protection Act (MLPA) was enacted in 1999. In doing so, the State Legislature recognized the benefits of setting aside some areas under special protection and of ensuring that these marine protected areas (MPAs) were developed in a systematic manner, with clear goals and objectives, and effective management plans and programs for monitoring and evaluating their effectiveness. Rather than focusing on one use or value for marine areas, the MLPA recognized a wide range of values, including the conservation of biological diversity . Although it may appear that the MLPA was contrary to the spirit of the MLMA in that the Legislature once again became more involved in fishery management, two points are worth noting: 1) the goals of the MLPA do not relate primarily to fishery management; 2) the ultimate decision of how to improve the existing array of MPAs resides with the Fish and Game Commission rather than the State Legislature."

Then p 11, paragraph 4 states,

"Recent literature acknowledges potential value of marine reserves for protection of habitat and biodiversity within reserve boundaries (Hilborn et al. 2004; FAO 2004). For the purposes of fisheries management, this same literature cites benefits of marine reserves, including buffering against uncertainty, reducing collateral ecological impacts, managing multispecies fisheries, and improving knowledge. At the same time, potential problems with marine reserves have been cited, including possible shifts in fishing effort, disruption of stock assessment research, and socioeconomic impacts (Hilborn et al. 2004; FAO 2004; SSC 2004). These authors urge care in the design of marine reserves so as to minimize losses to fisheries and to increase the opportunity to obtain empirical information on marine reserves by careful experimental design (Hilborn et al. 2004; SSC 2004). These studies also note that for certain species, especially species with highly mobile adults, marine reserves are unlikely to benefit fisheries (Nowlis and Friedlander 2004; Hilborn et al.; SSC 2004; NFCC 2004). When designing marine reserves or other MPAs with a goal of enhancing fisheries, the target species and potential impacts must be considered."

The conclusion has to be that MPAs have severe impacts on traditional fisheries management and at the least must be designed in order not to damage fisheries.

Thus the conclusion of p. 10, paragraph 1 seems absurd:

"Shortly after, but unrelated to, passage of the MLPA, several major recreational and commercial fishery closures were enacted to protect populations of certain rockfish species and lingcod that were declared overfished by the National Marine Fisheries Service. The closures, which remain in effect today, are generally depth-based and specific to certain types of bottom-fishing gear. The primary closures are the Cowcod Conservation Area (CCA) in southern California, which is almost entirely in federal waters, and the Rockfish Conservation Area (RCA), which is statewide and encompasses portions of state and federal waters. Additional depth-based seasonal fishing restrictions for certain recreational fisheries were also established during 2000 and 2001 outside of the CCA and RCA and remain in effect today. While portions of the RCA are open seasonally to bottom fishing, certain depth zones in certain parts of the state are closed year-round and thus function as de facto MPAs. One important distinction between these closures and MPAs is that the former, while potentially of long-term duration, are not intended as permanent closures."

Because the rockfish closures are not permanent closures, they are not significant? Since the CCA is mainly in Federal waters, it doesn't count when considering coastal MPAs, even though the closures have directed significant extra effort to state waters (and the state manages the CCA)? This is the same head in the sand approach that guided the flawed creation of the Channel Islands reserves.

The most serious flaw in the Master Plan Framework is the lack of peer review built into the system of designing MPAs. For instance, "Table 1: Process for MPA Planning in Study Regions" has the design process take alternative networks of MPAs all the way to the Fish and Game Commission for approval < without once obtaining scientific peer review of the design or the goals and objectives.

This goes directly against Federal peer review directives recently issued by the Office of Management and Budget: "As a general rule it is most useful to consult with peers early in the process of producing information. For example, in the context of risk assessments, it is valuable to have the choice of input data and the specification of the model reviewed by peers before the agency invests time and resources in implementing the model and interpreting the results. Early peer review occurs in time to focus attention on data inadequacies in time for correction."

The same document also states, "More rigorous peer review is necessary for

information that is based on novel methods or presents complex challenges for interpretation."

Here's my interpretation of the Master Plan Framework < it is nothing but a vehicle for the creation of large areas completely closed to fishing. That's what the staff of the BRTF wants and that's what the environmental groups pushing the process want.

You can view the document in either PDF or Microsoft Word format at <http://www.dfg.ca.gov/mrd/mlpa/draftdocuments.html>.

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